

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCTP171409A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NL 03/00898	International filing date (<i>day/month/year</i>) 17.12.2003	Priority date (<i>day/month/year</i>) 24.12.2002
International Patent Classification (IPC) or both national classification and IPC B65G47/14		
Applicant CFS WEERT B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☒ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 14.05.2004	Date of completion of this report 09.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Clivio, E Telephone No. +49 89 2399-7251 <div style="text-align: right;">  </div>

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00898**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-22 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-12.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

Reference is made to the following document:

D1 = US-A-5450706.

Re Item IV

1. This Authority considers that there are 5 inventions covered by the claims indicated as follows:
 - I: Claims 1-12 directed to a device for supplying articles provided with a head and a stick, such as lollipops, comprising an alternative distribution disc, whereby said disc comprises slits of alternative shape.
 - II: Claims 13-17 directed to another device for supplying articles provided with a head and a stick, such as lollipops, comprising an alternative distribution disc, whereby said disc comprises holes and slits sloping towards said holes.
 - III: Claim 18 directed to yet another device for supplying articles provided with a head and a stick, such as lollipops, comprising an alternative distribution disc, whereby said disc comprises holes and slits shifted with respect to a radial line through the center of said holes.
 - IV: Claim 19 directed to yet another device for supplying articles provided with a head and a stick, such as lollipops, comprising an alternative distribution disc comprising slits placed at an angle to its radial line.
 - V: Claim 20 directed to yet another device for supplying articles provided with a head and a stick, such as lollipops, comprising an alternative distribution disc, whereby said disc comprises holes and slits having openings at the outer edge of said distribution disc shifted in a downstream direction with respect to an axial line of said distribution disc which runs through the centre of the corresponding holes.
2. The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The prior art has been identified as document D1 and discloses:

A device for supplying articles provided with a head and a stick, such as lollipops (lollipops (50)), to a further treatment station, such as a packaging machine (single

twist bunch wrapping machine; see also: column 1, lines 4-8), comprising a supply station (hopper (20)), bin (22), channels (28) and (30)) for the articles in a disorderly flow, a discharge station for discharge of the articles in an orderly flow (transfer station (200)), and a distribution disc (dial plate (110)) connecting to the supply station and the discharge station, which distribution disc is rotatable in a direction of rotation (clockwise) and has a series of holes (holes (112); see also: figures) at its circumference for accommodation of the heads of the articles, wherein the upper side of the distribution disc comprises slits (grooves (113)) for accommodation of the sticks, which slits extend from the holes to the outer edge of the distribution disc and wherein the slits comprise a bottom and edges extending from the bottom up and situated at a downstream side and upstream side of the slit in direction of rotation, respectively (see: figures 1 and 3).

3. With reference to point 2.1 above, it is clear that the common concept linking together the independent claims 1, 13, 18, 19 and 20 is already known from document D1.
4. In conclusion, the groups of claims I-V are not linked by common or corresponding special technical features.
The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.
5. Since the Applicant did not comply with the invitation to restrict the claims or to pay additional fees within the prescribed time limit, the international preliminary examination report shall only be established on those parts of the application (claims 1-12) which relate to what appears to be the main invention (Article 34(3)(c) PCT).

Re Item V

1. Prior art

Document D1 discloses a device for supplying articles provided with a head and a stick, such as lollipops (lollipops (50)), to a further treatment station, such as a packaging machine (single twist bunch wrapping machine; see also: column 1, lines 4-8), comprising a supply station (hopper (20)), bin (22), channels (28) and (30)) for the articles in a disorderly flow, a discharge station for discharge of the articles in an orderly flow (transfer station (200)), and a distribution disc (dial plate (110)) connecting to the supply station and the discharge station, which distribution disc is rotatable in a direction of rotation (clockwise) and has a series of holes (holes (112); see also: figures) at its circumference for accommodation of the heads of the articles,

EXAMINATION REPORT - SEPARATE SHEET

wherein the upper side of the distribution disc comprises slits (grooves (113)) for accommodation of the sticks, which slits extend from the holes to the outer edge of the distribution disc and wherein the slits comprise a bottom and edges extending from the bottom up and situated at a downstream side and upstream side of the slit in direction of rotation, respectively (see: figures 1 and 3).

2. Problem

The problem to be solved by the present invention may therefore be regarded as, how to develop a device for supplying lollipops, comprising an alternative distribution disc, whereby said disc comprises slits of alternative shape.

3. Solution

the downstream edge of said slits runs in a vertical plane and up to the upper side of said distribution disc, and the upstream edge in at least an upper portion gives way with respect to the downstream edge in upstream direction.

The solution proposed is neither known nor suggested by the available prior art.

The subject matter of claim 1 is therefore novel and inventive (Art. 33(1), 33(2) and 33(3) PCT).

4. Claims 2-12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

5. The subject matter of claims 1-12 is clearly industrially applicable (Art. 33(4) PCT).

6. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

7. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

8. A document reflecting the prior art is not identified in the description (Rule 5.1(a)(ii) PCT).

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see separate sheet

PATENT COOPERATION TREATY

ONTVANGEN

13 DEC. 2004

BEANTWOORD

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Octrooibureau Vriesendorp & Gaade
P.O. Box 266
2501 AW THE HAGUE
PAYS-BAS

Kopie gemaakt voor
schaduwdoossier -
Den Haag

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

09.12.2004

Applicant's or agent's file reference
PCTP171409A

IMPORTANT NOTIFICATION

International application No.
PCT/NL 03/00898

International filing date (day/month/year)
17.12.2003

Priority date (day/month/year)
24.12.2002

Applicant
CFS WEERT B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

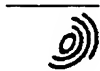
The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Loeper, S

Tel. +49 89 2399-2569

